

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

TAMIKA N. FLORENCE,

Defendant.

ORDER
07-CR-32S

1. On October 4, 2007, this Court referred this matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for all pretrial matters pursuant to 28 U.S.C. § 636(b)(1).

2. On April 6, 2007, Defendant Tamika Florence filed a motion seeking, *inter alia*, severance from her co-defendants. (Docket No. 13.) On November 1, 2007, Judge Schroeder filed a Decision and Order denying Defendant's request for severance. Defendant timely appealed, and on December 18, 2007, this Court heard oral argument and reserved decision. (Docket No. 63.)

3. Pursuant to 28 U.S.C. § 636(b)(1)(A), a magistrate judge may hear and determine any pretrial matter pending before the court.¹ The magistrate judge's order on such a pretrial matter will be reconsidered by the district judge only when it has been established that it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A).

4. Here, Defendant Florence obviously disagrees with Judge Schroeder's ruling, but disagreement alone is not cause to disturb the Decision and Order. Defendant has not

¹Under this district's Local Rules, review of a magistrate judge's order is governed by 28 U.S.C. § 636(b)(1). See Local Rule of Criminal Procedure 58.2(a)(2).

established that Judge Schroeder's Decision and Order is clearly erroneous or contrary to law. Accordingly, this Court will deny Defendant's appeal.

IT HEREBY IS ORDERED, that Defendant Florence's Amended Appeal of Judge Schroeder's November 1, 2007 Decision and Order (Docket No. 63) is DENIED.

FURTHER, that Judge Schroeder's November 1, 2007 Decision and Order (Docket No. 56) is AFFIRMED in its entirety.

SO ORDERED.

Dated: January 17, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge